

Serial No. 09/917,974
Amdt. Dated August 19, 2003
Reply to Final Office Action of May 19, 2003

REMARKS/ARGUMENTS

Claims 3-7 and 10 are pending in this application.

Claims 3-7, and 10 are rejected.

Claims 3 and 10 are amended, and claims 5 and 7 are canceled, without prejudice, in this amendment. Only claims 3, 4, 6 and 10 are pending as a result of this amendment.

Reconsideration of this application is respectfully requested.

Claim Amendment

Claim 3 has been amended to specify that the method is directed to the detection of a nucleic acid encoding an IGF-1 receptor interacting protein. The support for the specific protein is found in the specification, for example, at page 6, line 36. Further, the claim has been revised to better define the invention. No new matter is added.

Claim 10 has been amended to specify that the method is directed to the detection of a nucleic acid encoding an IGF-1 receptor interacting protein and that the method detects tumor cell proliferation, survival or escape of apoptosis. The amendment of the word "and" to "or" is to correct a typographical error. The claim detects tumor cell proliferation, survival or escape of apoptosis. No new matter is added.

Claims 5 and 7 have been canceled, without prejudice.

Withdrawal of Claim Rejection/Objections

Applicants thank the Examiner for withdrawing the objection to the specification and rejections to claims 3-7 under 35 U.S.C. 112, first and second paragraphs.

Claim Rejections Maintained/New Grounds of Rejection

Claim 10 is now rejected under 35 U.S.C. §112, first paragraph. Applicants respectfully traverse this rejection. Applicants submit that claim 10 does provide the

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necessary embodiment. To support Applicants' belief, applicants submit herewith the declaration of inventor Michael Weidner.

This declaration details experimental evidence showing that IIP-10 inhibits IDF-1-induced stimulation of proliferation in IGF-1-mediated protection of FAS-induced apoptosis in IGF-1 overexpressing NIH 3T3 cells (fig. 2). This data demonstrates that agonists of IIP-10 in tumor cells give valuable information as to tumor progression. In this connection, low amounts of IIP-10 in tumor cells are associated with a poor prognosis.

In view of this declaration providing corroborating evidence of the specific utility taught in the specification, applicants request reconsideration and withdrawal of the rejection to claim 10 under 35 U.S.C. 112, first paragraph.

Claims 3-7 were rejected under 35 U.S.C. 102(b) as being anticipated by DeVries et al., Proc. Nat. Acad. Sci., 1998, vol. 95, pp. 12340-12345. Without commenting on the merits of the claim rejection and to expedite prosecution, applicants have amended the claims to recite only SEQ ID NO:5, which is not taught or suggested by DeVries et al. Applicants amend the claims by deleting the nucleic acid shown in SEQ ID NO: 1 and 3. This amendment is made without prejudice, preserving the right to file one or more continuation application to seek patent coverage for the deleted subject matter. No new matter is added.

Claims 3-7 and 10 were rejected under 35 U.S.C. § 112, second paragraph. Claims 3 and 10 were amended to specify that the nucleic acid molecules encode an IGF-1 receptor interacting protein. Applicants thank the Examiner for noting this error. This error is believed to be a typographical error, and no new matter is added by this amendment.

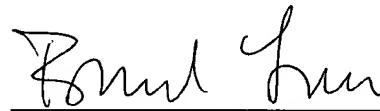
With the amendment and remarks herein, applicants believe that this application is in condition for allowance, and respectfully request a notice of allowance at an early date. Should the Examiner believe a discussion is helpful to expedite prosecution and put this

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application in a form for allowance, applicants invite the Examiner to contact the undersigned at the telephone exchange below.

No further fee is believed to be due, but if any fee is due, the Commissioner is authorized to charge the amount of any fee to Deposit Account No. 08-2525.

Respectfully submitted,



Attorney for Applicants
Bernard Lau
(Reg. No. 38,218)
340 Kingsland Street
Nutley, New Jersey 07110
Telephone: (973) 235-4387
Telefax: (973) 235-2363

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